(Copy of the Circular referred to in the Government Resolution No. 2554, dated 20th August 1874.)

CIRCULAR.

No. 11088 OF 1851.

TERRITORIAL DEPARTMENT
(REVENUE).

Bombay Castle, 26th November 1851.

From
The Collector of
dated
No.
Subject.—

Sir,—I have been directed by the Honourable the Governor in Council to request that your letters to Government may, in future, be docketted according to the form given in the margin.

2. You are requested to take care that the subject of letter is given in the docket in as clear, brief and correct a manner as possible.

Official Correspondence.

No. 2554.

FINANCIAL DEPARTMENT.

Bombay Castle, 20th August 1874.

Letter from the Accountant General, No. G.—4912, dated 27th February 1874—Requesting as the Inward correspondence of his office has very much increased and the indexing of letters received is very irksome in the absence of an endorsement on each letter containing the name and address of the sender, the number and date of the letter and a concise précis of its purport, that orders may be issued that every letter and document shall be endorsed as above by the despatching officer; forwarding a form of such endorsement for the approval of Government; and requesting that all Heads of Departments be directed to prohibit the transmission from their respective offices of any document or set of documents without a covering letter or memorandum stating the number and nature of the papers forwarded therewith.

RESOLUTION.—The Accountant General's proposal is approved. The standing orders relating to docketting letters addressed to Government are not uniformly carried out. The Circular that was issued in 1851 should now be repeated.

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(*Form of Endorsement referred to in the above letter from the Accountant General.*)

No.

From

To

Number

Date

Subject.

(Here should be written a concise précis of the purport of the letter.)

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(52)

Revenue Survey and Assessment.

No. 2668.

REVENUE DEPARTMENT.

Bombay Castle, 10th May 1873.

Memorandum from the Revenue Commissioner, S. D., No. 1541, dated 23rd April 1873—Submitting, with reference to paragraph 1 of Government Resolution No. 2158, dated 16th idem, an explanation from the Collector of Poona, regarding the delay in handing up the Survey Superintendent's proposals for the revision of assessment in fifty-six villages of the old Pabal Táluka.

RESOLUTION.—All printed documents are to bear the date of their despatch, and not that on which they were sent in manuscript to the Press.

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No. 2172.

Extract from the Proceedings of the Government of Bombay in the General Department, dated 27th October 1866.

Read the following papers :—

Letter from H. B. Boswell, Esquire, Collector of Ratnágiri, to the Collector of Kánara, No. 1550, dated 29th September 1866 :—

"I have the honour to send the accompanying envelope to your Deputy's Memorandum No. 2070 of the 21st instant, bearing postage of annas 2 charged by the Postal Department, being insufficiently stamped, and to request that you will have the goodness to remit the amount at your earliest convenience."

Memorandum from F. Thelwall, Esquire, Acting Deputy Collector in charge Kánara, to the Revenue Commissioner, S. D., No. 2096, dated 6th October 1866 :—

"Forwarded to the Revenue Commissioner, S. D., with a suggestion that in future charge for deficient postage should be borne by the receiving office. The postage of Mr. Boswell's letter has cost two annas, and the postage of the reply will cost two more, so that four annas will be spent to recover two."

Memorandum by J. W. Hadow, Esquire, Acting Revenue Commissioner, S. D., No. 3960, dated 17th October 1866 :—

"Submitted, through the Accountant General, to Government, whose sanction is solicited to the course suggested by Mr. Thelwall, and of which the Acting Revenue Commissioner approves, being followed as a general rule; the charge being entered in the receiving officer's contingent bill, to which the cover of the letter on which the postage is charged should be appended as a voucher."

Memorandum from J. L. Lushington, Esquire, Accountant General, to the Chief Secretary to Government, No. 3049, dated 22nd October 1866 :—

"In forwarding the accompanying papers the undersigned has the honour to observe that he has no objection to the course suggested by Mr. Thelwall and the mode of adjustment proposed by the Revenue Commissioner, S. D."

RESOLUTION.—Government sanction the general adoption of the course suggested by Mr. Thelwall and recommended by the Acting Revenue Commissioner, S. D.

Postal matters.

No. 2534.

GENERAL DEPARTMENT.

Bombay Castle, 20th October 1870.

Memorandum from the Assistant Secretary, Public Works Department, No. 11536, dated 10th October 1870—Transfers, for disposal, the following letter from the Controller of Public Works Accounts :—

"With reference to Government Resolution No. 2264, dated 6th November 1866, communicating Government Resolution (General Department) No. 2172, dated 27th October 1866, directing that insufficiently stamped covers should be submitted as vouchers to the postal charges preferred by the receiving officer, I beg to point out that at the time these instructions were issued, Government Departments were not debited with the cost of postage on official letters. Under recent Postal Rules the cost of postage on official letters received and despatched by privileged officers is charged to the Department concerned. Accordingly, the transmission to this office as vouchers of covers originally insufficiently stamped or unstamped involves second charge of postage to this Department; it appears, consequently, advisable to reconsider this Resolution.

"2. As the Resolution emanated from the General Department I consulted the Accountant General, Bombay, who agrees with me that in lieu of the covers being sent as vouchers, a certificate of the amount actually paid for deficient postage be appended by the officer preferring the charge, and I beg to recommend this course for the consideration of Government."

RESOLUTION.—The course recommended by the Controller of Public Works Accounts is approved and should be adopted.

No. 4382.

POLITICAL DEPARTMENT.

Bombay Castle, 13th September 1881.

Circular letter from the Under Secretary to the Government of India, Foreign Department, No. 1597—G.G., dated the 22nd August 1881 :—

"I am directed to forward for the information of His Excellency the Governor in Council, and for communication to the Political officers subordinate to the Bombay Government, the enclosed extracts from a Circular and Notification of the Government of India, regarding the treatment of official documents by public officers.

"2. I am to say that the instructions conveyed in these papers should be carefully observed."

Extract from a Circular from the Secretary to the Government of India, Political Department, to Residents, Agents, &c., No. 755, dated Agra, 9th May 1843.

"I have been directed to inform you that no officer in the Political Department is at liberty to communicate to any one any portion of the instructions he may receive without specific orders to that effect.

"2. The rule with respect of official correspondence is not that an officer is allowed to divulge all he is not specially directed to keep secret, but that he is not allowed to divulge anything which he is not specially directed to communicate."

Notification by the Government of India, Foreign Department, No. 150, dated 30th August 1843.

"Some misconception appearing to exist with respect to the power which officers of both services have over the documents and papers which come into their possession officially, the Governor General in Council deems it expedient to notify that such documents and papers are in no case to be made public or their contents communicated to individuals without the previous consent of the Government, to which alone they belong.

"2. The officer in possession of such documents and papers can only legitimately use them for the furtherance of the public service in the discharge of his official duty, and it is to be understood that the same rule which applies to documents and papers applies to information of which officers may become possessed officially."

RESOLUTION.—Copy of these papers should be forwarded to all Political Officers, including Collectors.

Official Correspondence.

No. 2958.

GENERAL DEPARTMENT.

Bombay Castle, 24th September 1887.

Memorandum from the Public Works Department of the Secretariat, No. 68-R., dated 21st April 1887—Forwarding for disposal the following note by the Under Secretary to Government in that Department, together with the Minute thereon by His Excellency the Governor :—

Note by the Under Secretary, Public Works Department.

"Referring to the papers submitted to-day regarding the Násik Tramway case a point occurs to me on which some ruling is, I think, desirable.

"It will be seen that the Collector endorsed a copy of the Resolution of 31st March 1886* to the promoters, and the point is, should there not be some restriction on the power of officers to communicate Government Resolutions to private companies, firms or individuals?

Vide accompaniments to the Chairman's letter of 29th March 1887.

"My view is that in such a case the Collector should have addressed the promoters by letter, informing them simply of the decision of Government, and not have sent them the Resolution, the preamble of which embraces the opinions of the officers and Departments consulted.

"In this particular case it was not of so much importance, but I know of cases in which information comprised in the preamble, and merely intended to guide Government in forming their opinion, has been made use of, to the prejudice of Government, by private parties to whom the Resolution was communicated.

"In the Public Works Department, Secretariat, the invariable rule now is to address all private parties by letter, and not to communicate Resolutions; but of course the purpose of such a rule is defeated if the officers of Government are at liberty to communicate Resolutions in conveying a decision.

WALTER C. HUGHES,
Under Secretary to Government.

9th April 1887."

Extract paragraph 1 of Minute by His Excellency the Governor, dated 12th April 1887.

"1. The Public Works Department practice is the correct one. This note may be transferred to all other Departments, inviting them to conform to this practice or to show cause why it should be departed from."

RESOLUTION.—The practice laid down in the Public Works Department should be adopted in future by all Heads of Offices subordinate to the Revenue, Financial and General Departments.

Official Documents: Supply of copies of — to private individuals.

No. 3776.

GENERAL DEPARTMENT.

Bombay Castle, 26th August 1896.

RESOLUTION OF GOVERNMENT.

It has come to the notice of Government that in some instances the orders contained in Government Resolution No. 2958, dated 24th September 1887, directing that Government Resolutions should not be communicated to private parties, have been disregarded. In republishing those orders His Excellency the Governor in Council desires that wide publicity should be given to them.

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Official Information.

No. 155.

GENERAL DEPARTMENT.

Bombay Castle, 22nd January 1879.

Letter from the Government of India, Home Department (Public), No. 3-C.H., dated 16th December 1878—Enclosing copy of the following Resolution No. 1-C.H. of the same date, on the subject of communicating to the public information which has come into the possession of a Government servant in his official capacity; and requesting that the Resolution may not be published in the *Gazette*, but that particular care may be taken that all the officials serving under the orders of this Government may have full knowledge of these instructions :—

No. 1-C.H.

Extract from the Proceedings of the Government of India in the Home Department (Public), under date Camp Lahore, the 16th December 1878.

"RESOLUTION.—His Excellency the Viceroy and Governor General desires to remind all officers of the Government that information received by them in their official capacity, whether from official sources or otherwise, which is not from its nature obviously intended to be made public, cannot be treated as if it were at their personal disposal.

"The Governor General does not think it necessary to issue any general order entirely prohibiting the disclosure, without special authority, of any information received officially. In such matters, much must necessarily be left to the discretion and intelligence of officers holding places of trust and in charge of duties more or less important. But His Excellency would impress upon all officers the serious responsibility involved in the exercise of this discretion. Whenever there is any room for doubt as to the right course to pursue, the orders of superior authority should be obtained before information regarding public affairs is communicated to any one not officially entitled to receive it.

"His Excellency the Viceroy and Governor General has reason to believe that sufficient attention has not upon all occasions been given to the principles which should guide the conduct of public officers in these matters, and which are especially applicable to the present time, when much important business is passing through the public offices. And His Excellency trusts that these principles may, in future, be clearly apprehended and observed.

ORDER.—Ordered that a copy of this Resolution be circulated to all Departments of the Government of India and to Local Governments and Administrations for information and guidance.

A. C. LYALL,

Secretary to the Government of India with the Governor General."

RESOLUTION.—Copy of the Resolution to be forwarded to all Departments of the Secretariat, to all Commissioners and Officers serving under the different branches of the Administration, for information and guidance.

Official Documents: Premature publication of —.

No. 3193.

GENERAL DEPARTMENT.

Bombay Castle, 4th September 1884.

Despatch from Her Majesty's Secretary of State for India, No. 14, Public (Records), dated 19th June 1884—Forwarding copy of a Treasury Minute, dated 13th March 1884, containing rules regarding the "premature publication of official documents," and requesting that similar rules may be adopted by the various Departments of this Government.

Letter from the Secretary to the Government of India, Home Department (Public), No. 30—1268, dated 16th August 1884:—

"The Secretary of State has forwarded to the Government of India a copy of a Treasury Minute, dated the 13th March 1884, respecting the 'premature publication of official documents,' with the request that similar rules may be adopted in this country.

"2. The minute in question draws attention to previous orders prohibiting the unauthorised communication to the public press of information derived from official sources, and points out that the communications so prohibited are not confined to matter still under discussion, but include also the unauthorised disclosure of matter finally decided on, but as to which the manner and the time of publication may be not less important than the matter itself.

"3. The standing orders of the Government of India upon the subject are contained in the Notification and Resolutions reproduced in the Appendix. The Governor General in Council desires that these orders may in future be held subject to the further restrictions explained in paragraph 2 above."

APPENDIX.

General Order, Foreign Department, dated the 15th March 1847.

Fort William, Foreign Department, the 30th August 1843.

NOTIFICATION.—Some misconception appearing to exist with respect to the power which officers of both services have over the documents and papers which come into their possession officially, the Governor General in Council deems it expedient to notify that such documents and papers are in no case to be made public, or communicated to individuals without the previous consent of the Government to which alone they belong.

The officer in possession of such documents and papers can only legitimately use them for the furtherance of the public service in the discharge of his official duty; and it is to be understood that the same rule which applies to documents and papers applies to information of which officers may become possessed officially.

By order, &c.,
J. THOMASON,
Secretary to the Government of India.

The Governor General deems it advisable to republish for general information the Notification issued on the 30th August 1843, in which the principle is laid down that it is contrary to the duty of every officer, Civil or Military, to make public, or to communicate to individuals, without the previous sanction of Government, any documents, papers, or information of which he may have become possessed in his official capacity.

The practice of making use of official information in carrying on personal controversies is a course highly prejudicial to the public interests, and is not only at variance with the rules by which due discipline and obedience to superior authority can be adequately maintained, but is a positive breach of faith, inasmuch as no functionary has a right to reveal, without due authority from his official superiors, or the Home authorities, any fact or circumstance which may come to his knowledge in the performance of his duty, or to correspond with any one upon the instructions he may have received for his special guidance.

The Governor General is persuaded that every officer, Civil and Military, will henceforth conform to this rule of the service under the conviction that, if in the transaction of his official duties his public conduct be impugned, he is at liberty to seek

redress through the usual official channel by an appeal to the Government he serves, and that the Government so appealed to will afford him every opportunity of vindicating his character.

By order of the Right Honourable
Governor General of India,

H. M. ELLIOT,
Officiating Secretary to the Government of India
with the Governor General.

Extract from the Proceedings of the Government of India in the Home Department (Public), No. 19—1134, under date Simla, the 8th July 1875.

RESOLUTION.—Questions having recently arisen as to the extent to which officers in the service of Government are permitted to connect themselves with the Press, the Governor General in Council thinks it desirable that the existing orders on the subject should be clearly understood:—

I.—No officer in the service of Government is permitted, without the previous sanction in writing of the Government under which he immediately serves, to become the proprietor, either in whole or in part, of any newspaper or periodical publication, or to edit or manage any such newspaper or publication. Such sanction will only be given in the case of newspapers or publications mainly devoted to the discussion of topics not of a political character, such, for instance, as art, science or literature. The sanction will be liable to be withdrawn at the discretion of the Government.

II.—Officers in the service of Government are not prohibited from contributing to the public press; but their position makes it incumbent upon them to confine themselves within the limits of temperate and reasonable discussion, and they are prohibited from making public, without the previous sanction of Government, any documents, papers, or information of which they may become possessed in their official capacity. These rules have been hitherto in most cases honourably observed. In case of a departure from them, or if the Government should consider the connection of any officer with the press to be contrary to the public interests, his liberty to contribute will be withdrawn.

III.—The Government of India will decide, in case of doubt, whether any engagements of officers with the press are consistent with the discharge of their duties to the Government.

IV.—Nothing in this Resolution is intended to relax the provisions of any regulations on this subject which now apply to the Army.

ORDER.—Ordered, that this Resolution be published in the *Gazette of India* and circulated to Local Governments and Administrations for information and guidance.

(True Extract.)

ARTHUR HOWELL,
Officiating Secretary to the Government of India.

Extract from the Proceedings of the Government of India in the Home Department (Public), No. 1-C.H., under date Camp Lahore, the 16th December 1878.

RESOLUTION.—His Excellency the Viceroy and Governor General desires to remind all officers of the Government that information received by them in their official capacity, whether from official sources or otherwise, which is not from its nature obviously intended to be made public, cannot be treated as if it were at their personal disposal.

The Governor General does not think it necessary to issue any general order entirely prohibiting the disclosure, without special authority, of any information received officially. In such matters much must necessarily be left to the discretion and intelligence of officers holding places of trust and in charge of duties more or less important. But His Excel-

lency would impress upon all officers the serious responsibility involved in the exercise of this discretion. Whenever there is any room for doubt as to the right course to pursue, the orders of superior authority should be obtained before information regarding the public affairs is communicated to any one not officially entitled to receive it.

His Excellency the Viceroy and Governor General has reason to believe that sufficient attention has not upon all occasions been given to the principles which should guide the conduct of public officers in these matters, and which are especially applicable to the present time, when much important business is passing through the public offices. And His Excellency trusts that these principles may in future be clearly apprehended and observed.

ORDER.—Ordered, that a copy of this Resolution be circulated to all Departments of the Government of India and to Local Governments and Administrations for information and guidance.

A. C. LYALL,

Secretary to the Government of India
with the Governor General.

Letter from the Government of India, Home Department, Public, No. 1317, dated 20th August 1884—Inviting, in reply to the letter from this Government No. 2588, dated 23rd July 1884, regarding the premature publication of official documents, attention to the orders on the subject contained in the Circular letter from the Home Department, No. 30-1268, dated 16th August 1884.

RESOLUTION.—Copies of the Circular letter from the Government of India and of the Appendix should be forwarded to all Departments of the Secretariat, and to all Heads of Offices under the Revenue, Financial and General Departments for information and guidance, with reference to Government Notification* dated 26th July 1875, and Government Resolution No. 155, dated 22nd January 1879.

* Published at page 753 of Part I of the *Bombay Government Gazette* dated 29th July 1875.

Official Reports: No —, &c., to be supplied by Government officers to newspapers without authority from Government.

No. 560.

GENERAL DEPARTMENT.

Bombay Castle, 17th February 1885.

RESOLUTION OF GOVERNMENT.

It having recently been stated in the *Times of India* newspaper that three copies of a report were furnished to it from different official sources, Heads of Departments are informed that newspapers are supplied from the Secretariat with such official papers as it is deemed expedient to publish, and that no such papers should be communicated to the Press by any Government officer without authority from Government.

Extract from the Proceedings of the Government of India in the Home Department (Public), No. 22-A., dated 3rd June 1885.

RESOLUTION.

His Excellency the Viceroy and Governor General has, within the last few months, observed, not infrequently, in the columns of the daily papers, items of official information of a confidential character, which can only have reached the press through an indiscretion or want of reticence on the part of those officers of Government who have had to deal departmentally with the subject-matter of the editorial paragraphs in question. In former days, when India

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was comparatively isolated, when there were no telegraphs, and when newspapers were neither numerous nor widely circulated, the mischief arising from such violations of official reticence may have been less apparent; but now that every statement, however inaccurate or incomplete, which has any bearing upon pending questions of policy or administration, is reported from one end of India to the other, and from India to Europe in the course of a few hours, the case is very different, and the embarrassment thus caused to the Government becomes at times a matter of very serious moment.

2. It must be clearly understood that no officer of Government, not specially authorized in that behalf, is at liberty to communicate to the press, either directly or indirectly, information of which he may become possessed in the course of his official duty. A similar professional reticence should be exercised by all officers of Government in their private and unofficial intercourse with non-official persons, and even with officers of Government belonging to other Departments. His Excellency the Viceroy and Governor General does not for a moment intend to debar officers of Government in private life from the same freedom in the discussion of public events which is enjoyed by all Her Majesty's subjects; but when an officer has in the course of his duty become possessed of special information not yet made public, he should always be strictly on his guard against the temptation of divulging it, even to other servants of Government, when these are not officially entitled to his confidence. Irresponsible persons hearing facts of interest mentioned without reserve in the course of general conversation can scarcely be expected to refrain from repeating them to others, and thus giving them a premature and too often a garbled currency.

3. His Excellency the Viceroy and Governor General feels sure that he has only to invite the attention of the officers of Government to the importance of this matter to secure their earnest co-operation in putting a stop to such casual and unpremeditated breaches of official confidence. Officers of Government are bound to be as reserved in respect to all matters that may come within their cognizance during the discharge of their public duties as lawyers, bankers, or other professional men in regard to the affairs of their clients.

4. For the due communication to the press of such information as may unobjectionably be given to it, departmental arrangements must be made under proper authority.

No. 3325.

JUDICIAL DEPARTMENT.

Bombay Castle, 10th May 1898.

CIRCULAR.

Instances are frequent in which erroneous or distorted versions of matters engaging public attention or relating to the acts of Government and its officers appear in the columns of the public press. This result, which is apparently due to the hasty publication of statements of fact before they are verified, is not infrequently attributed by Editors to the impossibility of obtaining accurate and reliable information. Under the standing orders of the Government of India, published with Government Resolution in the General Department No. 3193, dated the 4th September 1884, the communication to the press of matters which may be made public without inconvenience is not forbidden, but is left to the careful discretion of officers. His Excellency in Council desires that the freest communication compatible with these orders should be encouraged between the higher Government officers and Editors of respectable newspapers. District Magistrates should understand that they are authorized at their discretion (1) to communicate to Editors of local papers correct facts of occurrences which excite local interest whenever they deem it necessary in the public interests to do so, and (2) to accede to requests by local Editors for information